

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6426

BILL NUMBER: HB 1271

NOTE PREPARED: Jan 29, 2008

BILL AMENDED: Jan 28, 2008

SUBJECT: Inmate Credit Time.

FIRST AUTHOR: Rep. Stemler

FIRST SPONSOR:

BILL STATUS: 2nd Reading - 1st House

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: (Amended) This bill has the following provisions:

- A. It prohibits an offender from earning credit time for a high school diploma if the offender has previously obtained a general educational development (GED) diploma. It also prohibits an offender from earning credit time for a GED diploma if the offender has previously obtained a high school diploma.
- B. It specifies that offenders in Credit Class I earn one day of credit time for each six days of incarceration, and that offenders in Credit Class II earn one day of credit time for each 12 days of incarceration. (Current law provides that offenders in Credit Class I earn one day of credit for each day of incarceration, while offenders in Credit Class II earn one day of credit for every two days of incarceration).

Effective Date: July 1, 2008.

Explanation of State Expenditures: *Credit Time for a High School Diploma:* This provision would have a minimum effect on the offender population in Department of Correction (DOC) facilities since it has been DOC's policy since 2005 to not permit offenders to receive earned credit time for completing both a GED and a high school diploma.

LSA identified 23 offenders who completed both a GED and a high school diploma who were in DOC custody on October 22, 2007. Offenders who completed both prior to August 19, 2005, may have received additional credit for both a GED and a high school diploma. Since 2005, no offender has received credit for both the GED and a high school diploma.

Each of these 23 offenders, according to DOC records, earned a GED first and the high school diploma at a later time. Consequently, each have earned a potential added time cut of up to 12 months. Under current law, offenders can receive a time cut of six months for completing a GED and 12 months for completing a high school diploma.

[DOC has had an executive directive since August 19, 2005, that specifically prohibits offenders who have attained either a high school diploma or a GED prior to or during their current period of incarceration from participating in another high school or GED program and, thus, are not eligible for any additional earned credit time.]

(Revised) *Changes in Class I and II Credit Time:* Under current law, offenders are placed in one of three credit classes based on their conduct in the facilities where they are housed. Credit time refers to the number of days of incarceration that are removed from an offender's sentence for each day they are in the designated credit class. The following table shows the proposed change:

<u>Credit Class</u>	<u>Current</u>	<u>Proposed</u>
Class I	One day credit time for each day in Class I	One day credit time for each 6 days in Class I
Class II	One day credit time for two days in Class II	One day credit time for 12 days in Class II
Class III	No credit time	No change

All offenders are initially placed in Credit Class I. They may be reassigned to Class II or III if they violate any rule of the penal facility, the DOC, or the community transition program.

			Length of Incarceration		Estimated Year of Discharge Based on July 1, 2008 Commitment Date	
			Current Law	Proposed	Current Law	Proposed
Murder	90	69	34.5	57.5	2043	2066
A Felons	495	28	14	23.3	2022	2031
B Felons	2,712	8	4	6.7	2012	2015
C Felons	3,622	4	2	3.3	2010	2011
D Felons	7,119	1.5	0.75	1.3	2009	2009

The following chart represents the additional offenders that will be added and the additional prison cells that will be needed each year beginning in 2009 through 2066. LSA estimates the added population assuming that all offenders receive one day credit for each six days served.

Projected Number of Beds Needed and Added Operating Costs (in \$ Millions)												
Fiscal Year	2009	2011	2012	2013	2014	2015	2022	2030	2040	2050	2060	2066
New Offenders	2,349	4,522	5,174	6,801	8,428	9,567	9,864	12,240	12,537	12,969	13,509	13,833
New Operating Costs (1)	\$16.3	\$102.8	\$117.7	\$154.7	\$191.7	\$217.6	\$224.3	\$278.4	\$285.1	\$295.0	\$307.2	\$314.6
New Beds Needed	717	2,173	652	1,627	1,627	1,139	297	2,079	297	432	972	324
New Capital Costs (2)	\$89.6	\$271.6	\$81.5	\$203.4	\$203.4	\$142.4	\$37.1	\$259.9	\$37.1	\$54.0	\$121.5	\$40.5
Total Costs	\$106	\$374	\$199	\$358	\$395	\$360	\$261	\$538	\$322	\$349	\$429	\$355
(1) Based on FY 2006 Operating Costs of \$22,743 in Constant Dollars												
(2) Based on Average Cost of \$125,000 per Bed in Constant Dollars												

Explanation of State Revenues:

Explanation of Local Expenditures: (Revised) *Changes in Class I and II Credit Time:* Depending on how quickly new facilities can be built for DOC offenders, DOC may need to contract with county sheriffs to house some of the offenders who do not require highly secure cells. Currently, county sheriffs are paid approximately \$35 per day per offender.

Explanation of Local Revenues:

State Agencies Affected: Department of Correction, Executive Directive # 05-29.

Local Agencies Affected: County Sheriffs

Information Sources: Department of Correction.

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